

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

BRENT TOBIN,

Plaintiff,

v.

SAM'S EAST, INC.,

Defendant.

CASE NO. 1:11-CV-2822

ORDER
[Resolving Doc. No. [11](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Brent Tobin, pro se, brings this case alleging—the Court must assume—employment discrimination in violation of Title VII of the Civil Rights Act of 1964, [42 U.S.C. § 2000e](#). Defendant-employer Sam's East, Inc., moves to dismiss, pointing out that Tobin failed to exhaust his administrative remedies and failed to obtain a right-to-sue letter before filing his complaint. Tobin did not respond.

“The timely filing of an administrative complaint is a procedural prerequisite to bringing a Title VII action in federal court,” [Brown v. Abbot Labs., 90 F. App'x 891, 892 \(6th Cir. 2004\)](#), and “[f]ailure to timely exhaust administrative remedies is an appropriate basis for dismissal of a Title VII or ADA action.” [Williams v. Nw. Airlines, Inc., 53 F. App'x 350, 351 \(6th Cir. 2002\)](#). Tobin, who says Sam's fired him in 2007, “submitted no proof that he filed an administrative complaint with either the Ohio Civil Rights Commission or the EEOC before bringing his Title VII action.” [Brown, 90 F. App'x at 892](#). And “there is no indication that waiver, estoppel, or equitable tolling are appropriate in this case.” [Id.](#) Accordingly, Tobin has failed to state a claim and the Court

Case No. 1:11-CV-2822
Gwin, J.

DISMISSES his complaint WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: July 12, 2012

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE